

Application No. 10/527,241
Amendment Dated: May 8, 2008
Reply to Office Action of: January 9, 2008

REMARKS/ARGUMENTS

Applicant has amended claims 1, 2, 14, 19, 28, 29, and 30. Upon entry of the response and of the amendments, claims 1-25 and 27-30 will be pending for consideration by the Examiner.

Applicant thanks the Examiner for the telephone interview on April 22 2008 which focused on pending claim 1 and the Kohei reference cited by the Examiner, upon which claim 1 stands rejected.

Applicant continues to assert that claim 1 was patentable over the cited Kohei reference for, among other things, the reason that the Kohei reference simply does not fairly or properly disclose, teach or suggest a casing longitudinally extending from a front end to a rear end. Kohei's analogous housing of a cylindrical shape has an equidistant dimension, i.e., the diameter of the cylinder; and therefore, cannot be reasonably interpreted as having an elongated body.

During the interview, there was some discussion as to claim 9. In this regard, Applicant respectfully submits that claim 9 is additionally patentable because the Kohei reference does not disclose, teach or suggest the concave side feature at transverse sides of the mouse as recited in claim 9.

Upon further reflection, Applicant has amended the claims to delete the term "lip" and to better define the invention.

In the Response after the Final Action Applicant had presented an illustration to demonstrate the differences in the form of both devices and the description of mouse operating, which were, it is respectfully submitted, incorrectly interpreted by the Examiner in relation to the lip surface.

Applicant respectfully submits below the illustrations of Figs 4A and 4B with the inserted contour of the Kohei mouse. In this regard, the Examiner will appreciate that Applicant has with considerable acumen invented and illustrated a claimed mouse embodiment by representative dimensions, proportions and positions of the fingers, when drawing a human hand in a neutral posture, and Applicant illustrates representative positions of a user's fingers and hand by operating mouse 100 in the drawings, and explicitly describes the art of operating the mouse 100 in the claims and specification.

The given illustrations of Figs.4A and 4B demonstrate that, after shifting the Kohei mouse forward by stretching index or middle finger at the distance approximately 8 mm, the thumb and little fingers are out of contact with Kohei mouse (see positions thereof shown by continuous line and positions of the little finger 15 and 15a, Fig.4A; and positions of the thumb 11 and 11b, Fig.4B).

FIG. 4-A

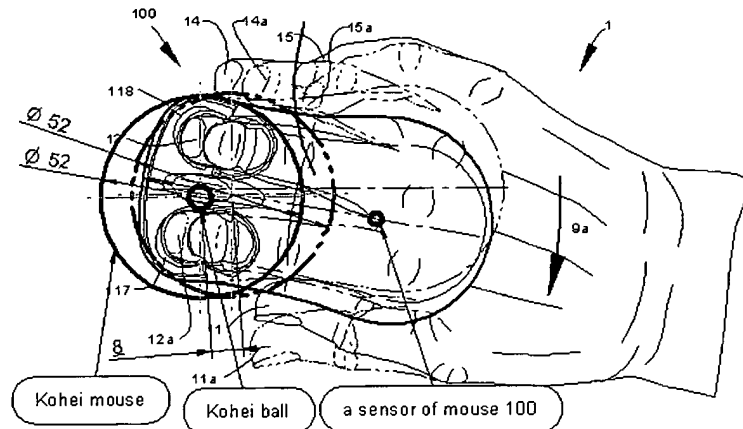
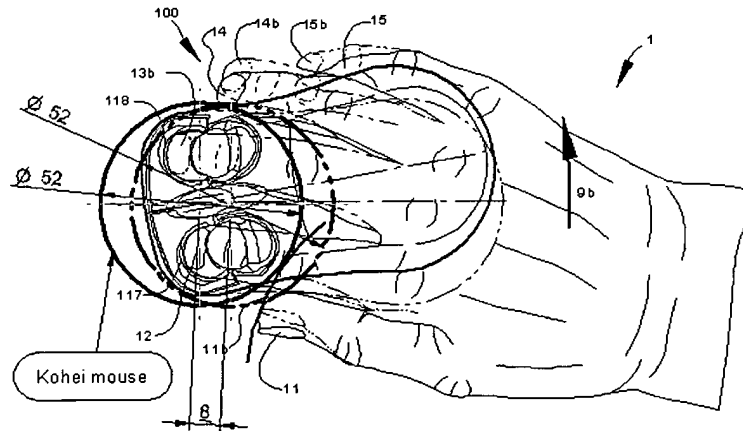


FIG. 4-B



Therefore, in this position when operating Kohei device it is impossible to effect any horizontal pointer movement on the computer screen by the thumb or little finger movement. It is impossible to effect any movement of the pointer on screen by turning a cylinder around its axis, in which a sensor is arranged.

In contrast to Kohei, the form of the mouse casing of the present device, the receptacle (Claim 1), and positioning of the sensor of mouse movement (Claim 28) enable the user to effect sufficient horizontal movement of the pointer on the computer screen when turning the casing around its axis in the receptacle

when pushing by user's thumb or little finger against a respective contact area on a respective side of the casing without using his hand or arm movement in any mouse position when operating mouse 100.

The operation of mouse 100 is explicitly described in the specification (see paragraphs 0042-0044) and shown in the Drawings 4A, and 4B.

Applicant has amended claim 28 to furthermore distinguish the claim language over the Kohei reference. The range of the distance 177 of the sensor position (see Fig. 10) is given in paragraph 0068.

Applicant has amended claim 1 to further clarify the invention.

As for the amendatory claim language of the molded contact surface:

The positioning of the index and middle fingers on the upper surface of the buttons in accordance with the relaxed, natural hand position and the molded contact surface around the fingertip are explicitly described in Claim 1 and 2.

The location of the receptacles on the surface of the buttons is claimed in claim 4.

The height 181 of the lowest point 153 or 154 of the receptacle is claimed in Claim 8 (Drawings 7 and 9); the range is given in paragraph 0061.

The range of the height 182 of the lip measured from the lowest point 153 or 154 of the receptacle to the contact point 151 or 152, (see Drawings 7, 8 and 9) is given in paragraphs 0063, 0064, and 0065.

The form and the width of the receptacle in longitudinally cross section thereof are claimed in claims 14, 15, and 17.

As was expressed during the interview with the Examiner, Applicant continues to assert that claim 1 presented in the Response after the Final Action was patentable over the cited Kohei reference for, among other things, the reason that the Kohei reference simply does not fairly or properly disclose, teach or suggest a receptacle. The use of the term/phrase - **the receptacle of Kohei's mouse** in Examiner's rejections throughout the Office Actions is misdescriptive given the use of "receptacle" in the application and given the following definitions according to the Oxford Dictionary:

a **receptacle** container, space, etc for placing or storing sth: *a receptacle for litter, washing, waste paper;*

a **mould** hollow container with a particular shape, into which a soft or liquid is poured to set or cool into that shape: *a jelly, pudding etc* made in such container;

a **crevice** narrow opening or crack in a rock, wall etc.

The language of the Kohei reference and Kohei drawings do not indeed allow one to reasonably interpret the Kohei's crevice as a receptacle for litter or a space for storing any kind of liquid.

The amendatory language inserted into claim 1 would distinguish over the Kohei reference. Applicant has also included similar amendatory language in claim 2 as well as claims 29 and 30.

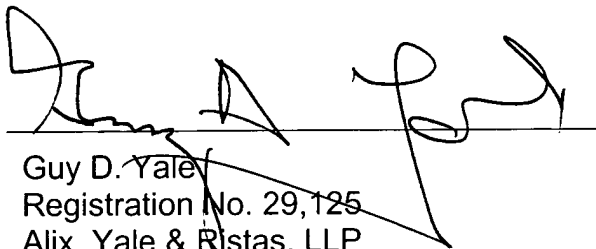
Application No. 10/527,241
Amendment Dated: May 8, 2008
Reply to Office Action of: January 9, 2008

Applicant submits that the amendments as presently submitted very clearly cannot be remotely disclosed, taught or suggested in the cited Kohei reference (or any other reference cited or identified by the Examiner).

Accordingly, it is respectfully submitted that all claims in the application as submitted are in condition for allowance.

Respectfully Submitted,

Alexander Boldin

By: 
Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: May 8, 2008
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: BOLDIN/102/PC/US

GDY/tlc

G:\AYR saved docs\Filing Docs\Boldin\BOLDIN102PCUS\BOLDIN102PCUS_ResponseOA_5_8_08.doc